

Message Text

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PAGE 01 IAEA V 10074 031018Z

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C O N F I D E N T I A L IAEA VIENNA 10074

EO 11652: GDS

TAGS: PARM TECH IAEA IS

SUBJ: EXTENSION OF US-ISRAEL-IAEA TRILATERAL SAFEGUARDS
AGREEMENT

REF: STATE 257693

1. UPON THEIR RETURN FROM OFFICIAL TRAVEL TO INDIA, MISOFF DISCUSSED QUESTION OF AGENCY'S CONSULTATIONS WITH ISRAEL WITH BERANEK (CSSR), HEAD OF GEOGRAPHICAL SECTION RESPONSIBLE FOR SAFEGUARDS IN ISRAEL, AND ROMETSCH, WHO HAD SPENT WEEKEND IN ISRAEL ENROUTE INDIA.

2. ACCORDING TO BERANEK, ISRAELIS HAD REQUESTED SECRETARIAT BRIEFING ON REQUIREMENTS OF INFCIRC/66 REV. 2 AS WOULD APPLY TO ISRAEL RESEARCH REACTOR (IRR). BERANEK AND PERRICOS (GREECE), COUNTRY OFFICER FOR ISRAEL, VISITED ISRAEL (IN LATE SEPTEMBER OR EARLY OCTOBER) SPECIFICALLY FOR SUCH DISCUSSIONS, TAKING WITH THEM US TRILATERALS WITH SPAIN (INFCIRC/92) AND SOUTH AFRICA (INFCIRC/98) AND BLANK SUBSIDIARY ARRANGEMENT FORMS. ACCORDING TO BERANEK, ISRAELIS REACTED FAVORABLY TO SECRETARIAT'S INTEREST IN HAVING ANY EXTENSION OF PRESENT US-ISRAEL TRILATERAL (INFCIRC/84) REFER TO INFCIRC/66 REV. 2. THEY RAISED SEVERAL MINOR QUESTIONS RE DETAILED ARRANGEMENTS (ONE OF WHICH IS DISCUSSED BELOW) WHICH HE HAS REFERRED TO HIS SUPERIORS FOR RESOLUTION.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 IAEA V 10074 031018Z

3. BERANEK REPORTS THAT WHILE ENTIRE DISCUSSION WAS IN CONTEXT IRR, ISRAELIS RAISED NUMBER OF QUESTIONS INDICATING INTEREST IN APPLICATION TO OTHER FACILITIES OF ARRANGEMENTS BASED UPON INFCIRC/66 REV. 2.

4. IN COURSE DISCUSSIONS WITH ISRAELIS, SECRETARIAT BROUGHT UP PROBLEM OF EXPIRATION OF INFCIRC/84 IN APRIL 1975 AND POINTED OUT NECESSITY FOR ARRANGEMENTS FOR CONTINUING SAFEGUARDS AT IRR. BERANEK VOLUNTEERED THAT ISRAELIS SAW NO DIFFICULTY WITH SECRETARIAT'S SUGGESTION EITHER TO A) EXTEND AND AMEND INFCIRC/84 AS APPROPRIATE TO CORRESPOND TO AND TO REFER TO INFCIRC/66 REV. 2 OR B) REPLACE INFCIRC/84 WITH NEW AGREEMENT OF SAME SCOPE; I.E., APPLICABLE ONLY TO RESEARCH MATERIALS AND FACILITIES. IN CONTEXT THEIR DISCUSSION, ISRAELIS ASKED FOR EXPLANATION OF GOV/1621 AS IT WOULD BE REFLECTED IN ANY AMENDMENT OR REPLACEMENT OF INFCIRC/84.

5. ROMETSCH MENTIONED THAT ONE OF QUESTIONS RE SUBSIDIARY ARRANGEMENTS RAISED BY ISRAELIS WAS ALSO DISCUSSED WITH HIM DURING HIS RECENT VISIT, WHICH WAS OTHERWISE DEVOTED TO GENERAL SAFEGUARDS MATTERS AND FAMILIARIZATION WITH ISRAELI PERSONNEL AND SOME FACILITIES. QUESTION RELATED TO INTEREST OF ISRAELIS IN HAVING PREROGATIVE OF RETAINING IN ISRAEL, FOR EXAMINATION BY IAEA INSPECTORS, CERTAIN PORTIONS (NOT ALL) OF DESIGN INFORMATION, SIMILAR TO ARRANGEMENTS AVAILABLE UNDER NPT SAFEGUARDS AGREEMENTS (SEE PARA 8, INFCIRC/153). ROMETSCH SAID ISRAELIS EXPLAINED THAT CERTAIN FEATURES MAY BE INCLUDED IN FACILITIES FOR PURPOSES OF SECURITY AGAINST SABOTAGE OR ATTACK AND THAT THEY WOULD WISH CONTROL ACCESS TO INFORMATION RE SUCH FEATURES. ROMETSCH SEEMED COMPLETELY SYMPATHETIC TO ISRAELI DESIRE AND ONLY PROBLEM HE MENTIONED WAS POLITICAL ONE OF APPEARING TO GRANT ONE OF UNIQUE "BENEFITS" OF INFCIRC"153 TO NON-PARTY TO NPT. COMMENT: MISOFF SUBSEQUENTLY HAD OPPORTUNITY TO DISCUSS MATTER WITH STEIN, WHO AGREED WITH SUGGESTION THAT MATTER COULD BE APPROPRIATELY ADDRESSED IN NEGOTIATION OF SUBSIDIARY ARRANGEMENTS, WHICH ARE NOT MADE PUBLIC.

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PAGE 03 IAEA V 10074 031018Z

6. COMMENT: PRELIMINARY REVIEW OF INFCIRC/84 BY MISSION INDICATES THAT AMENDMENT OF 10 OR 12 ARTICLES WOULD BE REQUIRED AS MINIMUM TO CONFORM TO INFCIRC/66 REV. 2. RESULTING DOCUMENT FOR BOARD CONSIDERATION WOULD BE CONFUSING AND LIELY PROVOKE QUESTIONS DURING BOARD CONSIDERATION. WE THEREFORE RECOMMEND, PARTICULARLY IN LIGHT BERANEK REPORT PARA 4 ABOVE, THAT ENTIRELY NEW TEXT BE PREPARED CORRESPONDING TO CURRENT STANDARD

US TRILATERALS, TAKING INTO ACCOUNT REQUIREMENTS GOV/1621 AND STATING DURATION COTERMINOUS WITH BILATERAL, AS EXTENDED OR AMENDED. IN SUCH NEW TEXT, WE ALSO RECOMMEND WORDING OF DEFINITION OF AGREEMENT FOR COOPERATION AS IN CASE OF US-SWITZERLAND TRILATERAL (INFCIRC/161), REFERRING TO SPECIFIC AGREEMENT "AS AMENDED, OR A NEW SUPERSEDING AGREEMENT FOR COOPERATION, AS AMENDED." FOREGOING RECOMMENDATIONS INTENDED TO PROVIDE FUTURE MECHANISM FOR APPLICATION OF IAEA SAFEGUARDS PER INFCIRC/66 REV. 2 TO MATERIALS, ETC. IN ISRAEL SUBJECT TO ANY FUTURE U.S. BILATERAL, WITHOUT NECESSITY OF FURTHER BOARD ACTION, UNLESS FUTURE BILATERAL IMPOSES NOVEL TYPE OF RESPONSIBILITIES UPON IAEA OUTSIDE SCOPE INFCIRC/66 REV. 2. THUS, WHILE NEW TRILATERAL WOULD ONLY HAVE IMMEDIATE EFFECT ON IRR AND RESEARCH QUANTITIES OF MATERIAL IN OTHER LOCATIONS, AT A LATER DATE OTHER INSTALLATIONS COULD SIMPLY BE ADDED TO INVENTORY AFTER AGENCY IS MERELY INFORMED OF NEW SUPERSEDING BILATERAL.

7. IN ANY EVENT, MISSION WISHES TO NOTE THAT ONLY OPPORTUNITY FOR BOARD TO CONSIDER EXTENSION, AMENDMENT OR REPLACEMENT INFCIRC/84 WILL BE FEBRUARY 25 MEETING. IN ORDER MEET FORMAL REQUIREMENT FOR CIRCULATION SIX WEEKS PRIOR TO MEETING, DOCUMENT SHOULD BE DISTRIBUTED NO LATER THAN JANUARY 14. WE STRONGLY RECOMMEND MEETING THAT DEADLINE IN ORDER AVOID ANY BASIS FOR OBJECTION AT BOARD ON PROCEDURAL GROUNDS BY GOVERNORS UNFRIENDLY TO ISRAEL. WE WOULD EXPECT THAT NEW AGREEMENT, CIRCULATED NO LATER THAN JANUARY 14 AND SIMILAR TO OTHER RECENT US TRILATERALS WHICH INCLUDE TERMINATION PROVISIONS CONFORMING TO GOV/1621, WOULD ACHIEVE APPROVAL BY NORMAL CONSENSUS PROCEDURE. PORTER

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